



San Francisco Bay
Conservation and Development Commission



Bay Planning Coalition



November 14, 2014

The Honorable Barbara A. Mikulski, Chair
Committee on Appropriations
United States Senate
Washington, D.C. 20510

The Honorable Harold Rogers, Chair
Committee on Appropriations
United States House of Representatives
Washington, D.C. 20515

The Honorable Richard C. Shelby
Committee on Appropriations
United States Senate
Washington, D.C. 20510

The Honorable Nita M. Lowey
Committee on Appropriations
United States House of Representatives
Washington, D.C. 20515

Dear Senators and Representatives:

Each of our very different organizations supports a healthier and more robust San Francisco Bay – both environmentally and economically. Therefore, we urge you in the strongest possible terms to fully fund the Water Resources and Research Development Act (WRRDA) through the Fiscal Year 2015 Energy and Water Appropriations legislative process.

We want to thank you very much for your support of WRRDA and the U.S. Army Corps of Engineers (USACE) in 2014. You may remember our request last year that the newly reauthorized WRRDA enable the USACE to:

1. Fulfill its mission in alignment with the Bay Area's need for consistent dredging;
2. To more creatively and efficiently reuse those dredged materials throughout the 500 square mile San Francisco Bay to create, bolster, and conserve wetlands habitat and minimize flood risk;
3. More easily work with other federal agencies and local partners;
4. Use the best and most appropriate scientific knowledge to gauge the implications of rising sea level on projects; and,
5. Create innovative and efficient ways to contract with partners.

Each of our organizations works closely with the U.S. Army Corps of Engineers (USACE) within the Bay and on Bay-related issues. The San Francisco Bay is the largest estuary on the west coast and is a crucial location within the Pacific Flyway. The Bay contains habitat for more than 500 species, and is an incomparable recreational and scenic resource. Just as important, the Bay Area constitutes the world's 19th largest economy, hosts three major international airports, and 42% of California's petroleum refinery capacity is located along Bay shores. The ports and harbors within San Francisco Bay are a primary driver of California's, and the Nation's, economy. And, without a doubt, the Bay is the most distinctive geographic attribute recognized by the world's greatest collection of scientific, technical, and academic minds in Silicon Valley and throughout the Bay Area.

When the 114th Congress begins its session in January, we urge you to advance and support an Energy and Water Appropriations bill that includes the following provisions:

1. *NAS Study*: WRRDA Section 3023 requires the National Academy of Sciences (NAS) to

perform a study whose purpose is to recommend how infrastructure and coastal restoration options can reduce the risk to human life and property from extreme weather events.

We urge the Appropriations Committee to recommend that NAS select a limited number of geographic-specific places to use as case studies, including San Francisco Bay, which is the largest estuary on the west coast and the link between the Pacific Ocean and California's Central Valley, whose economic productivity is crucial to domestic food supplies.

2. *Contracting for Beneficial Reuse of Dredged Materials:* Regional, state, and federal agencies formed the Long Term Management Strategy (LTMS) 25 years ago to resolve conflicts surrounding whether and how to dredge Bay channels. LTMS is an enduring solution; maintenance dredging is a routine practice and major channel deepening projects to support maritime trade have been completed with broad support. Environmentally, its centerpiece is the beneficial reuse of dredged material, which has helped create and restore habitat throughout the Bay. Now and in the future, dredged materials must supplement decreased sediment flow from the Sacramento-San Joaquin Delta to create and restore even more wetlands so that existing and new marsh within the Bay can withstand rising sea level and attenuate incoming waves and flood surges to protect shoreline areas. The San Francisco District understands this need and has been a great partner in developing LTMS's expertise in beneficial reuse; it simply needs adequate funds and flexibility to accomplish that mission. Certainly, these policies can be implemented as increased revenues from the Harbor Maintenance Trust Fund are shared nationwide.

We strongly urge the Appropriations Committee to ensure that the San Francisco District receives adequate funding and the legal flexibility to abide by its agreement under the LTMS and its updated Principles and Guidelines. As such, we urge that the beneficial reuse of material needed to meet the Corps' targets under the LTMS transition be determined to be the least cost environmentally acceptable alternative pursuant to the Federal Standard. This much-needed determination could be implemented via various dredging projects throughout the Bay from which materials could be beneficially reused at a growing list of possible sites. In addition, the District should be allocated funds to procure an off-loader for the region to make upland sediment disposal more affordable and sustainable and assist small projects cope with contaminated sediments and federal fish and wildlife habitat requirements, as authorized by Section 1030(d) of WRRDA 2014.

3. *Hamilton/Bel Marin Keys Wetlands Restoration Funding:*
 - a. USACE FY15 Work Plan Request (CG): \$1,300,000 to support final stages of project and monitoring/adaptive management; and,
 - b. USACE FY16 Budget Request (CG): \$500,000 for ongoing monitoring and adaptive management.
4. *Napa River Salt Marsh Funding:*
 - a. USACE FY15 Work Plan Request (CG): \$1,000,000 to complete construction of the final phase of the project; and,
 - b. USACE FY16 Budget Request (CG): \$500,000 for monitoring and adaptive management.
5. *South Bay Salt Ponds Funding:*

- a. USACE FY15 Work Plan Request (CG): \$500,000 for Preconstruction, Engineering, and Design on Alviso shoreline;
 - b. USACE FY16 Budget Request (CG): \$3,300,000 for Preconstruction, Engineering, and Design on Alviso shoreline and to start Feasibility Study on Palo Alto, Mountain View, and Sunnyvale shoreline;
 - c. USFWS FY16 Budget Request: \$1,300,000 for maintenance of salt pond levees and ongoing habitat restoration work; and,
 - d. USGS FY16 Budget Request: \$1,000,000 for science support for applied studies and for the cost-shared lead scientist position.
6. *Baldwin Ship Channel Funding*: The Appropriations Committee should ensure that the San Francisco District has funds available to develop a cost sharing agreement with the Port of Stockton to bring the navigable depth of the Baldwin Ship Channel to 45 feet, and include funds for maintenance dredging in San Pablo and Suisun bays. Such an agreement in no way bypasses any regulatory requirements to dredge the channel, or obligates any regulatory agency to approve such dredging under any federal or state law.

In addition, should the Congress consider reauthorizing WRRDA in 2015 or otherwise include authorizing language within the 2015 Energy and Water Appropriations legislation, we strongly urge you to support including the following provision:

1. *South San Francisco Bay Shoreline Study*: Authorize implementation of the Chief's Report due in December 2015 with total project costs of approximately \$145,000,000.

We are looking forward reviewing the Corps' upcoming implementation guidance for the new WRRDA provisions affecting Bay projects. Those Bay Area projects include (*see letter and attachments sent previously*):

1. *Section 1018 and 1020 (In-kind crediting)*: credit for site prep work completed by the Coastal Conservancy at Bel Marin Keys;
2. *Section 1025 (water resources projects on federal land)*: United State Fish and Wildlife Service lands on the South San Francisco Bay Shoreline project;
3. *Section 1030(d) (cost-share for Hamilton/Bel Marin Keys)*: return to 25%;
4. *Section 1036 (non-federal plans for additional flood risk reduction)*: grant waiver for locally preferred plan on the South San Francisco Bay Shoreline project; and,
5. *Section 1043 (non-federal implementation pilot program)*: nominate the South San Francisco Bay Shoreline as a pilot program for next study area and implementation of Alviso.

The U.S. Army Corps of Engineers rulemaking to clarify provisions of the Clean Water Act (CFR Docket No. EPA-HQ-OW-2011-0880) is important to ensure the protection of natural resources, including wetlands crucial to the health of the San Francisco Bay. The Committee should take no action to interfere with the rulemaking or alter the Clean Water Act while the Corps of Engineers and U.S. Environmental Protection Agency review public comment and finalize a rule.

Finally, Should the issue come before the Congress, we fully support the reauthorization of the Environmental Protection Agency's San Francisco Bay Water Quality Improvement Program at \$5,000,000 annually.

Once again, thank you very much for demonstrating your support for San Francisco Bay and the many and varied communities it supports. Please do not hesitate to contact any of us with any questions you may have.

Sincerely,

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San Francisco Bay Conservation and
Development Commission

John A. Coleman
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